

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BOARD OF DIRECTORS MEETING

September 22, 2022

10:00 a.m.

AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Previous Minutes
5. Communications
6. Personnel Committee Report
7. Finance Committee Report
8. Advertising & Promotions Committee Report
9. Legislative Committee Report
10. Insurance Committee Report
11. Branch Operations Report
12. Audit Committee Report
13. Batavia Downs Operations Committee Report
14. New Business
15. Adjournment

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

PERSONNEL COMMITTEE MEETING

Wednesday, September 21, 2022

1:00 p.m.

Elliott Winter, Chairperson
Thomas P. Wamp, Vice-Chairperson

Dennis Bassett, Member
Richard Bianchi, Member
Susan May, Member
Edward Morgan, Member
Richard Ricci, Member

AGENDA

1. Addition of Human Resources and Purchasing Departments
To Jobs Compendium

-W. White

2. Approval of the Title of Director of IT – WROTBC & Video Gaming
Approval of the Position of Director of IT – WROTBC – Video Gaming
(Salary Grade 10)

-J. Leach
-H. Wojtaszek

3. Cell Phone Policy
 - Resolution #87-2022

-M. Gabriele
-W. White

4. Executive Session

4a. Executive session for the discussion of the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

**WESTERN REGIONAL OFF-TRACK BETTING
CORPORATION**

POLICY FOR USE OF CELL PHONES BY ADMINISTRATIVE EMPLOYEES

As a public benefit corporation, Western Regional Off-Track Betting Corporation (“Western”) has a corporate responsibility for taking all reasonable precautionary measures against excessive or unauthorized use of its equipment. As such, Western has revised its policy regarding the use of cell phones in conducting Western business. It is hereby the policy of Western that it will no longer own or acquire corporate cell phones to conduct Western’s business.

- A. Western will not acquire or issue cellular telephones to Western employees for the purpose of conducting company business.
- B. The President shall determine whether an employee’s work assignment or position is such that in the course of normal business operations, such person must have the use of a cell phone. Factors in making this determination include but are not limited to a person or position that requires the employee to work outside the office and needs to be in a position to contact headquarters, as well as other Western employees, including maintenance positions or other administrative employees conducting normal daily business activities. If the President determines that an employee meets such criteria, the employee will be placed on a list which will require the employee to use his or her personal cell phone for business purposes, and which Western will reimburse said employee for business use of the employees’ personal phone. Such list shall be updated annually by the President.
- C. If the use of a cell phone is deemed necessary for that position, that employee shall be reimbursed for business use at a rate of \$40/month or such other amount that may be adjusted from time to time. This payment will end when the employee is separated from Western or should the President determine that the employee no longer needs a cell phone to conduct Western business.

Revised 9/22/2022

RESOLUTION #87-2022

WHEREAS, the Western Regional Off-Track Betting Corporation (“Western”) continues to review, establish and update its corporate policies; and

WHEREAS, the officers and staff recommend that the attached Cell Phone Policy, as amended, be adopted as a policy of Western.

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Western hereby adopt the above referenced policy in the form attached to this resolution; and

BE IT FURTHER RESOLVED, that the Officers and Staff of the Corporation are hereby authorized and directed to take all steps necessary to implement this Policy.

Respectfully submitted,

Elliott Winter, Chairman
Personnel Committee

Dated: September 23, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Finance Committee Meeting
September 21, 2022
Batavia, New York

Ken Lauderdale, Chairman
Thomas Wamp, Vice Chairman

Richard Bianchi, Member
Michael Horton, Member
Paul Lattimore, Member
Edward Morgan, Member
Elliott Winter, Member

AGENDA

1. Award of Bid – Energy Services – Electric and Natural Gas
Batavia Downs Gaming & 9 OTB Branch Locations
 - Noco Gas & Electric LLC – Natural Gas - Resolution #93-2022
 - Marathon Power LLC – Electric – Resolution #94-2022

- M. Glor
2. Cummins-Allison Corporation
 - Resolution #83-2022

- J. Leach
3. Flooring

- J. Leach
4. Chief Financial Officer Report & BDG Financials
 - August 2022

- J. Leach
5. NYGA Weekly Numbers

- J. Leach

RESOLUTION #93-2022

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) maintains numerous facilities throughout Western and Central New York; and

WHEREAS, it is imperative that Western purchases electric and natural gas services in order to operate each location; and

WHEREAS, Western invited bids for natural gas service for the two (2) year period through October 31, 2024 for its locations throughout Western and Central New York; and

WHEREAS, on August 11, 2022 three (3) bid proposals were publicly opened for the award of natural gas service at all of Western’s locations; and

WHEREAS, Staff recommends that the Board of Western find that NOCO Gas and Electric LLC (“NOCO”) is the lowest responsible bidder for the two (2) year period with a bid for the supply of natural gas for 0.675 per ccf; and therefore

BE IT RESOLVED, that Western, upon the recommendation of staff, awards the natural gas service contract to NOCO for a two (2) year period at the above price per ccf; and

BE IT FURTHER RESOLVED, that the Board of Western directs an Officer to take all steps to implement this resolution.

Respectfully submitted,

Ken Lauderdale, Chairman
Finance Committee

Dated: September 23, 2022
Batavia, New York

RESOLUTION #94-2022

WHEREAS, Western Regional Off-Track Betting Corporation (“Western”) maintains numerous facilities throughout Western and Central New York; and

WHEREAS, it is imperative that Western purchases electric and natural gas services in order to operate each location; and

WHEREAS, Western invited bids for electric service for the two (2) year period ending on October 31, 2024 for its locations throughout Western and Central New York; and

WHEREAS, on August 11, 2022 three (3) bid proposals were publicly opened for the award of electric service at all of Western’s locations; and

WHEREAS, Staff recommends that the Board of Western find that Marathon Power LLC (“Marathon”) is the lowest responsible bidder for the two (2) year period with a bid for the supply for electric for 0.0645 per kwh: and therefore

BE IT RESOLVED, that Western, upon the recommendation of staff, awards the electric service contract to Marathon for a two (2) year period at the above price per kwh; and

BE IT FURTHER RESOLVED, that the Board of Western directs an Officer to take all steps to implement this resolution.

Respectfully submitted,

Ken Lauderdale, Chairman
Finance Committee

Dated: September 23, 2022
Batavia, New York

RESOLUTION #83-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to operate Batavia Downs Gaming in an efficient manner; and

WHEREAS, the use of money counting machines is indispensable to Western's gaming operation; and

WHEREAS, Western currently owns a number of money-counting machines and associated equipment; and

WHEREAS, it is essential to Western's gaming operation that the money counting machines operate reliably 24 hours a day and that they are maintained and serviced on a regular basis throughout the year; and

WHEREAS, Cummins-Allison Corporation ("Cummins"), a sole source provider, has offered a maintenance and service agreement to Western for the money counting machines and associated equipment for a period of one (1) year ending on September 30, 2023 for the annual amount not to exceed \$30,925.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the maintenance and service agreement with Cummins for a one (1) year term ending of September 30, 2023 in an amount not to exceed \$30,925.00; and

BE IT FURTHER RESOLVED, that an officer of the Corporation is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Ken Lauderdale, Chairman
Finance Committee

Dated: September 22, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING - SUMMARY OF CFO'S REPORT - ACTUAL RESULTS:

Operational Results - August 2022

	August 2022	August 2021	August Plan
Total Handle	\$5,309,149	\$6,331,804	\$6,256,000
\$ Variance		(1,022,655)	(946,851)
% Variance		-16%	-15%
VGM Net Win	\$6,439,251	\$6,788,998	\$6,788,998
\$ Variance		(349,747)	(349,747)
% Variance		-5%	-5%
Revenue net of Statutories	\$ 4,478,505	\$ 4,599,547	\$ 4,448,654
Operating Expenses	3,780,448	3,518,630	3,558,858
Earnings and Surcharge	698,057	1,080,917	889,796
Surcharge	61,169	73,637	68,502
Operational Earnings	\$ 636,888	\$ 1,007,280	\$ 821,294
\$ Variance		(370,392)	(184,406)
% Variance		-37%	-22%
Gain on Sale of Jefferson	0	333,920	0
Operational Earnings after sale of Jefferson	\$ 636,888	\$ 1,341,200	\$ 821,294

* Earnings are computed and distributed on a quarterly basis

Segment Performance:

	August 2022	August 2021	August Plan
BRANCH Earnings from Operations	\$ 290,089	\$ 242,450	\$ 305,451
Less: G&A Allocation	237,649	223,550	217,981
<u>Earnings net of G&A Allocation</u>	<u>\$ 52,440</u>	<u>\$ 18,900</u>	<u>\$ 87,470</u>
\$ Variance		33,540	(35,030)
% Variance		177%	-40%
BATAVIA DOWNS Earnings from Operations	\$ 926,431	\$ 1,310,075	\$ 1,047,504
Less: G&A Allocation	341,983	321,695	313,680
<u>Earnings net of G&A Allocation</u>	<u>\$ 584,448</u>	<u>\$ 988,380</u>	<u>\$ 733,824</u>
\$ Variance		(403,932)	(149,376)
% Variance		-41%	-20%
GENERAL AND ADMINISTRATIVE expense	\$ 579,632	\$ 545,245	\$ 531,661
\$ Variance		34,387	47,971
% Variance		6%	9%

Net Cash Distributions to Municipalities:

	August 2022	August 2021	August Plan
SURCHARGE	\$ 61,169	\$ 73,637	\$ 68,502
\$ Variance		(12,468)	(7,333)
% Variance		-17%	-11%

Year to Date Surcharge and Net Revenue

	August 2022	August 2021	August Plan
SURCHARGE	\$ 496,045	\$ 638,215	\$ 632,503
\$ Variance		(142,170)	(136,458)
% Variance		-22%	-22%
NET EARNINGS AVAILABLE FOR DISTRIBUTION	\$ 6,297,691	\$ 3,860,811	\$ 4,422,223
\$ Variance		2,436,880	1,875,468
% Variance		63%	42%
TOTAL	\$ 6,793,736	\$ 4,499,026	\$ 5,054,726

CFO'S REPORT - August 2022

SUMMARY - WESTERN REGIONAL OTB CORPORATION - ALL LOCATIONS/DEPARTMENTS: ROUNDED

	2022 August	2021 August	2022 August Plan	2022 Year To Date	2021 Year To Date	2022 Operating Plan YTD
HANDLE (includes Live)	\$5,309,000	\$6,332,000	\$6,256,000	\$39,262,000	\$48,414,000	\$48,452,000
\$ Variance		(1,023,000)	(947,000)		(9,152,000)	(9,190,000)
% Variance		-16%	-15%		-19%	-19%
VGM Net Win	\$6,439,000	\$6,789,000	\$6,789,000	\$51,185,000	\$42,479,000	\$45,502,000
\$ Variance		(350,000)	(350,000)		8,706,000	5,683,000
% Variance		-5%	-5%		20%	12%
Revenue and Expense:						
Operating Revenue	8,271,000	8,672,000	8,545,000	62,086,000	54,329,000	57,454,000
\$ Variance		(401,000)	(274,000)		7,757,000	4,632,000
% Variance		-5%	-3%		14%	8%
Less: Statutory Expenses	3,792,000	4,072,000	4,096,000	30,083,000	26,827,000	28,246,000
\$ Variance		(280,000)	(304,000)		3,256,000	1,837,000
% Variance		-7%	-7%		12%	7%
Revenue before Operating Expenses	4,479,000	4,600,000	4,449,000	32,003,000	27,502,000	29,208,000
\$ Variance		(121,000)	30,000		4,501,000	2,795,000
% Variance		-3%	1%		16%	10%
Less: Operating Expenses	3,780,000	3,519,000	3,559,000	25,209,000	23,337,000	24,153,000
\$ Variance		261,000	221,000		1,872,000	1,056,000
% Variance		7%	6%		8%	4%
Retained Surcharge/Net earnings	698,000	1,081,000	890,000	6,794,000	4,165,000	5,055,000
\$ Variance		(383,000)	(192,000)		2,629,000	1,739,000
% Variance		-35%	-22%		63%	34%
Retained Surcharge	61,000	74,000	69,000	496,000	638,000	633,000
\$ Variance		(13,000)	(8,000)		(142,000)	(137,000)
% Variance		-18%	-12%		-22%	-22%
Net Earnings(Losses) from Operations	637,000	1,007,000	821,000	6,298,000	3,527,000	4,422,000
\$ Variance		(370,000)	(184,000)		2,771,000	1,876,000
% Variance		-37%	-22%		79%	42%
PPP Forgiveness	0	0	0	81,000	3,152,000	0
Gain on Sale of Jefferson		334,000			334,000	
Earnings (Losses) Net of PPP Forgiveness	637,000	1,341,000	821,000	6,379,000	7,013,000	4,422,000
\$ Variance		(704,000)	(184,000)		(634,000)	1,957,000
% Variance		-52%	-22%		-9%	44%
			Operational Earnings	Earnings allocated to CAF	Distributable Earnings	
1st Qtr. Operational Earnings*		\$1,917,539	\$125,604	\$1,791,935	\$174,952	\$1,132,719
\$ Variance					1,616,983	659,216
% Variance					924%	58%
2nd Qtr. Operational Earnings*		\$2,702,174	\$153,979	\$2,548,195	\$1,051,606	\$1,669,187
\$ Variance					1,496,589	679,008
% Variance					142%	53%
3rd Qtr. Operational Earnings*		\$1,677,978		\$1,677,978	\$2,277,277	\$1,620,317
\$ Variance					(599,299)	57,661
% Variance					-26%	4%
PPP Forgiveness**		\$81,335	\$0	\$0	\$0	\$0
Total YTD		\$6,379,026	\$279,583	\$6,018,108	\$3,503,835	\$4,422,223
\$ Variance					2,514,273	1,595,885
% Variance					72%	36%
* Available for Distribution						
**The Hotel at Batavia Downs PPP loan was fully forgiven by the SBA on 3/12/2022.						
Resolution 39-2022 removes these forgiven funds from member distributions as funds were used during the COVID-19 pandemic for their intended purpose.						

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

ADVERTISING AND PROMOTIONS COMMITTEE AGENDA

Wednesday, September 21, 2022

2:30 P.M.

Susan May, Chairperson
Ken Lauderdale, Vice-Chairman
Richard Bianchi, Member
Edward Morgan, Member

Paul Lattimore Jr. Member
Michelle Parmer-Garner, Member
Richard Ricci, Member

AGENDA

1. Gaming/Branch Marketing Update R. Hasenauer
2. Resolution #85-2022
Pegula Sports & Entertainment, LLC R. Hasenauer
Buffalo Bills Suite
3. Resolution #86-2022
Rochester Arena R. Hasenauer
Rochester Americans Suite
4. Resolution #88-2022
Mark It Smart R. Hasenauer
5. Resolution #89-2022
Marketing Mailers R. Hasenauer

RESOLUTION #85-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation ("Western") contracts with local venues to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

WHEREAS, Western previously entered into an agreement with Pegula Sports & Entertainment, LLC ("Pegula") for a suite license for the Buffalo Bills 2019, 2020 and 2021 season; and

WHEREAS, due to Covid, the 2020-2021 season was paused, and an amended suite license agreement was received from Pegula extending the suite license to include the 2022-2023 Buffalo Bills season; and

WHEREAS, Staff recommends that Western enter into an amended suite license agreement with Pegula for the Buffalo Bills 2022-2023 season at an amount not to exceed \$103,200.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the amended suite license agreement with Pegula for the Buffalo Bills 2022-2023 season in an amount not to exceed \$103,200.00; and further

RESOLVED, that the Board of Directors of Western hereby authorizes an officer of Western to execute an agreement with Pegula in furtherance of this resolution.

Respectfully submitted,

Susan May, Chairperson
Advertising & Promotions Committee

Dated: September 23, 2022
Batavia, New York

RESOLUTION #86-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation (“Western”) contracts with local venues to provide entertainment event tickets for a certain level of our patrons, as well as for special promotions; and

WHEREAS, Western previously entered into an agreement for use of a suite at the Blue Cross Arena from Rochester Arena, LLC (“Arena”) for the Rochester Americans together with various concerts through the 2020-2021 season; and

WHEREAS, due to COVID, the agreement for use of a suite at the Blue Cross Arena was paused; and

WHEREAS, Staff recommends that Western enter into an amended agreement with Arena for the use of the suite for the Rochester Americans hockey season and various concerts for the 2022-023 season at a cost of \$37,150.00 and the 2023-2024 season at a cost of \$38,250.00 for the total amount of \$75,400.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby approves the amended agreement with Arena for the use of the suite for the Rochester Americans hockey season and various concerts for the 2022-023 season at a cost of \$37,150.00 and the 2023-2024 season at a cost of \$38,250.00 for the total amount of \$75,400.00; and further

RESOLVED, that the Board of Directors of Western hereby authorizes an officer of Western to execute an agreement with Arena in furtherance of this resolution.

Respectfully submitted,

Susan May, Chairperson
Advertising & Promotions Committee

Dated: September 23, 2022
Batavia, New York

RESOLUTION #88-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation ("Western") purchases various promotional items that are given away to patrons of Batavia Gaming; and

WHEREAS, has sent out an RFP requesting pricing for various items including luggage, cast iron cookware, purses, BBQ items, camping equipment, margarita themed items, cookware, glassware, small appliances and bedding and Mark-It-Smart Inc. ("Smart") was the lowest responsible bidder to purchase those items as set forth in the attached schedule to this resolution.

WHEREAS, Staff requests that the Board approve the above referenced purchase of the various items set forth above from Smart to be given away to various patrons of Batavia Gaming in an amount not to exceed each of the specific amounts set forth in the attached schedule, and in the total amount of \$610,832.00; and therefore

BE IT RESOLVED, that the Board of Directors of Western hereby acknowledges and approves that Western enter into a series of purchase agreements with Smart for the purchase of various items including luggage, cast iron cookware, purses, BBQ items, camping equipment, margarita themed items, cookware, glassware, small appliances and bedding to be given away to various patrons of Batavia Gaming in the total amount of \$610,832.00; and further

RESOLVED, that the Board of Directors of Western hereby authorizes an officer of Western to execute any such agreements in furtherance of this resolution.

Respectfully submitted,

Susan May, Chairperson
Advertising & Promotions Committee

Dated: September 22, 2022
Batavia, New York

RESOLUTION #89-2022

WHEREAS, as part of its ongoing patron attraction and retention program, Western Regional Off-Track Betting Corporation ("Western") sends out specific marketing mailers to its patrons and potential patrons to promote the Batavia Downs Gaming facility; and

WHEREAS, Western previously sent out a request for proposal in respect to the marketing mailers, which responses were opened on September 20, 2022; and

WHEREAS, the Board of Western determined that _____ ("_____") was lowest responsible bidder with a bid of \$_____.00; and

WHEREAS, the recommended bid provides Western with an option to extend the existing agreement for an additional one (1) year period at the same annual cost; and

WHEREAS, Staff recommends to the Board that Western enters into an agreement with _____ in the amount not to exceed \$_____.00, with an option along the same terms and conditions; and, now therefore

BE IT RESOLVED, that the Board of Directors of Western hereby agrees to enter into an agreement with _____ to provide marketing mailers for a one (1) year period for an amount not to exceed \$_____, together with a one (1) year option for Western; and further

RESOLVED, that the Board of Directors of Western hereby authorizes an officer of Western to enter into an agreement in furtherance of this resolution.

Respectfully submitted,

Susan May, Chairperson
Advertising & Promotions Committee

Dated: September 22, 2022
Batavia, New York

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BRANCH OPERATIONS COMMITTEE MEETING

**Wednesday, September 21, 2022
3:30 P.M.**

Michael Horton, Chairperson
Mark Burr, Vice-Chairperson

Richard Bianchi, Member
Mark Bombardo, Member
Edward Morgan, Member
Michelle Parmer-Garner, Member
Francis Warthling, Member

AGENDA

1) Branch Update

- Dina Pane

2) E-Z Bet Update

- Dina Pane

3) Batavia Bets Update

- Dina Pane

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

INSURANCE COMMITTEE
Wednesday September 21, 2022
3:45p.m.

Susan May, Chairperson
Dennis Bassett, Vice-Chairman
Richard Bianchi, Member
Edward Morgan, Member
Richard Ricci, Member

Richard Ricci, Member
Mark Burr, Member
Francis Warthling, Member

AGENDA

Executive session for the discussion of the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

BATAVIA DOWNS OPERATIONS COMMITTEE

Thursday – September 22, 2022
9:00 A.M.

Edward Morgan, Chairman
Richard Siebert, Vice-Chairman
Richard Bianchi, Member

Ken Lauderdale, Member
Elliott Winter, Member
Thomas Wamp, Member
Mark Bombardo, Member

AGENDA

- | | |
|--------------------------------------------|---------------|
| 1. Gaming Floor Update | S. Schiano |
| 2. Live Racing Update | D. Hoover |
| 3. Hotel Update | H. Wojtaszek |
| 4. Park Road Update | H. Wojtaszek |
| 5. Resolution #84-2022
Southern Wine | S. Kiedrowski |
| 6. Resolution #90-2022
Skyworks, LLC | S. Kiedrowski |
| 7. Resolution #91-2022
IK Systems, Inc. | H. Wojtaszek |
| 8. Resolution #92-2022
Falcone Electric | S. Kiedrowski |

RESOLUTION #84-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to provide the best dining experience to its patrons at Western's Batavia Downs restaurants; and

WHEREAS, Western had previously approved a blanket purchase order for the purchase of various liquor products and related items from Southern Wine & Spirits ("Southern"); and

WHEREAS, Western requires a supplemental blanket purchase order in the amount of \$100,000.00 for use by the Food & Beverage Department through 2022; and

WHEREAS, staff requests that the Board of Directors of Western approve a supplemental blanket purchase order in an amount not to exceed \$100,000.00 with Southern for the purchase of various liquor products and related items; now therefore

BE IT RESOLVED, that the Western's Board of Directors hereby approves a supplemental blanket purchase order in an amount not to exceed \$100,000.00 from Southern; and

BE IT FURTHER RESOLVED, that an officer of Western is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: September 22, 2022
Batavia, New York

RESOLUTION #90-2022

WHEREAS, it is the corporate responsibility of the Western Regional Off-Track Betting Corporation ("Western") to provide the patrons of Batavia Downs Gaming with the best experience available; and

WHEREAS, the staff believes that it is in the best interest of Western to purchase a Telescopic Boom Lift, including delivery for use at its Batavia Downs location: and

WHEREAS, four requests for bids were sent to vendors, with 2 responding bids received by Western; and

WHEREAS, the staff recommends that the Board of Directors accept the bid of \$147,000.00 from Skyworks LLC ("Skyworks") as the lowest responsible bidder; and therefore

BE IT RESOLVED, that the Board of Directors of Western accepts the bid for the Telescopic Boom Lift from Skyworks in the amount of \$147,000.00; and

BE IT FURTHER RESOLVED, that an officer of Western is hereby authorized to execute an agreement that reflects the Board's actions.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: September 23, 2022
Batavia, New York

RESOLUTION #91-2022

WHEREAS, Western Regional Off-Track Betting Corporation ("Western"), has previously entered into an agreement with IK Systems, Inc., a NYS bid vendor, to provide service and testing services for the surveillance system located at Western's Batavia Downs location; and

WHEREAS, Western has been provided a proposal to extend the existing agreement for an additional five (5) year period at a cost not to exceed \$68,444.00; and

WHEREAS, Staff recommends that Western enter into a five (5) year service and testing agreement with IK Systems, Inc. at a cost not to exceed \$68,444.00; now therefore

BE IT RESOLVED, that Western accepts the proposal from IK Systems, Inc. for a five (5) year service and testing agreement at an amount not to exceed \$68,444.00; and

IT IS FURTHER, RESOLVED that an Officer of Western is authorized to execute such a contract consistent with the purpose and intent of this resolution.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: September 23, 2022
Batavia, New York

RESOLUTION #92-2022

WHEREAS, Western Regional Off-Track Betting Corporation ("Western") purchases various building and repair items on an as-needed basis; and

WHEREAS, the Staff recommends to the Board of Directors of the Western to purchase various electrical parts and supplies as needed, with no single item exceeding \$500.00, in the amount not to exceed \$25,000 for the remainder of 2022 year from Falcone Electric ("Falcone"), a sole source provider; and;

WHEREAS, the Board of Directors of the Western wishes to approve the purchase of various electrical parts and supplies as needed in the amount not to exceed \$25,000 for the 2022 year from Falcone; and, therefore be it

RESOLVED, that the Board of Directors of the Western approves the purchase of various electrical parts and supplies as needed, with no single item exceeding \$500.00, in the amount not to exceed \$25,000 for the 2022 year from Falcone; and, be it further

RESOLVED, that an officer of Western is authorized to execute any agreement in furtherance of the Board's approval of this resolution.

Respectfully submitted,

Edward Morgan, Chairman
Batavia Downs Operations Committee

Dated: September 23, 2022
Batavia, New York